



TOWN OF WATERTOWN
Department of
Community Development and Planning
PLANNING BOARD

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PLANNING BOARD REPORT

On March 11, 2015, with five (5) members of the Planning Board (Board) present, case # ZBA-2015-05-SP, a **Special Permit**, to be heard by the Zoning Board of Appeals on March 25, 2015, was considered. The Board submits the following Report, requested, to aid the Zoning Board of Appeals in deciding on the application before it.

Case#:	ZBA-2015-05-SP
Subject Property:	76 Westminster Avenue
Parcel ID:	350 73 186
Zoning District:	T (Two Family) Zoning District
Owner/Petitioner(s):	Michael F. Iodice, Agent, Thornbush Properties, 71 Westcliff Road, Weston, MA 02493
Zoning Relief Sought:	Special Permit: §5.04, <i>Table of Dimensional Regulations</i> , FAR; New two-family structure with an FAR of 0.587 (<i>Originally requested an FAR of 0.621</i>)
Special Permit Granting Authority:	Zoning Board of Appeals
Date of Staff Report:	March 4, 2015
Board and Staff Recommendation:	Conditional Approval (5-0)
Date of Planning Board Meeting:	March 11, 2015
Date of Zoning Board Hearing:	Scheduled for March 25, 2015

I. PUBLIC NOTICE (M.G.L. c. 40A, §11)

A. Procedural Summary

Petition ZBA-2015-05 was heard by the Planning Board on March 11, 2015, and is scheduled to be heard by the Zoning Board of Appeals on March 25, 2015. As required by M.G.L. c. 40A, sec.11 and the Watertown Zoning Ordinance (WZO), notice was given as follows:

- Publish in the newspaper of record (*Watertown Tab*) on March 6, 2015 and March 13, 2015;
- Posted at the Town Administration Building and on the Town Website on February 25, 2015;
- Mailed to Parties in Interest on February 25, 2015.



Existing House to be Demolished



Existing House and Garage



Adjacent House to the Left



Adjacent House to the Right

B. Legal Notice

76 Westminster Avenue

*"Michael F. Iodice, Agent, Thornbush Properties, 71 Westcliff Road, Weston, MA 02493 herein requests the Zoning Board of Appeals grant a **Special Permit** in accordance with Watertown Zoning Ordinance §5.04, Table of Dimensional Regulations, FAR, so as to construct a new two-family structure with an FAR of .621, where >.50 and maximum .625 is allowed by Special Permit. T (Two-Family) Zoning District. ZBA-2015-05."*

II. DESCRIPTION

A. Site Characteristics

The site is a rectangular shaped lot with a single-family structure at 76 Westminster Street. According to the Watertown Assessor's database, the site is approximately 0.138 acres or 6,011 square feet, and the house dates to the early 1950's. The driveway has not been cleared of snow (*see Site Photos*) because the house is vacant and the electricity has been disconnected.

B. Surrounding Land Use

The neighborhood is a mix of one and two-family homes. The site is also across the street from the rear of the Watertown Middle School.

C. Nature of the Request

The Petitioner's request to the Zoning Board of Appeals is for a **Special Permit** to allow construction of a new two-family structure. The redevelopment involves the demolition of the existing structure. Other site work will include construction of two side yard driveways to allow stacked (front to back) parking, new landscaping, and site drainage.

D. Relevant Permitting History

According to Department of Community Development & Planning (DCDP) and Zoning Board of Appeals and Assessor's records, 76 Westminster Avenue had no previous permits relevant to this request for approval.

III. FINDINGS

A. Plan Consistency

Met: Existing plans recognize the character of the residential neighborhood, but do not specifically address development within these areas. Single-family and Two-family uses in residential neighborhoods are generally in keeping with the vision and strategies of Watertown's relevant plans.

B. Special Permit: *§5.04, Table of Dimensional Regulations, FAR, Originally requested FAR of 0.621, revised to 0.587*

Projects must meet the four conditions of approval for a Special Permit set forth in §9.05(b) of the WZO.

Special Permit Criteria §9.05(b)

1. **The specific site is an appropriate location for such a use, structure, or condition.**

Met: The project is allowed in this district (T-Two Family). A Special Permit requirement is triggered because the Petitioner desires to raze and replace the existing single-family structure with a new two-family structure that would have a larger Floor Area Ratio (FAR) than allowed by right, if approved. FAR is defined by §2.29 of WZO as "[g]ross floor area of all buildings on the Lot measured in square feet, divided by the total square footage of the Lot." In this case, the allowed FAR in the T-zone is 0.50, and the Petitioner's desired FAR is 0.587. The Petitioner originally requested consideration of a 0.621 FAR, but revised his request to an FAR of 0.587 after alterations to the proposed structure to conform to the WZO's definition of a "Half Story" per Section 2.77(B). According to the Petitioner, which is based on a review of Assessor's information, each of the five abutting properties are older two-family homes with Floor Area Ratios that range from 0.57 to 0.78, for an average FAR of 0.66. Based on this analysis, the adjacent structures have FAR similar to or larger than that of the Petitioner's proposed structure.

The proposed architectural design is in keeping with the style of the adjacent older two-family homes. This is evidenced by the *Site Photos*.

It is the general desire of the Town to limit front yard parking and to preserve the front yard as open space. In this case, the proposed design maintains a front yard for each unit, bordered by driveways positioned to the side. This is a similar configuration to the single-family house, which is to be demolished. It has an asphalt driveway to the southeast. It is also similar to the driveway configuration of neighboring homes.

2. The use as developed will not adversely affect the neighborhood.

Met: Based on the zoning data supplied by the Petitioner, the existing single-family structure has non-conforming side yard setbacks. In addition, with the detached garage, the existing building coverage on the lot was almost to the 30% maximum for the T-zone, while the proposed new two-family will consolidate development on the lot, reducing the building coverage to 24.4%.

The project design further diminishes impervious areas by the Petitioner's use of brick pavers, which the Board recommends be permeable pavers, to even further diminish impervious area, and will be required as a condition, for the driveway surfaces. The project also proposes climbing screen plants on a chain link fence along the side yards. The currently selected plant (Hardy kiwi) appears to have an aggressive growth habit if not heavily pruned. The Board recommends replacement of the Hardy kiwi with another plant species, such as climbing hydrangea. The Board also recommends the final plantings selected shall require DCDP staff review and approval.

3. There will be no nuisance or serious hazard to vehicles and pedestrians.

Conditionally Met: The architecture is in keeping with the style of existing two-family dwellings in the neighborhood. The Petitioner will also be required, via the *Control Plans*, to implement the *Landscape Plan*. The Board recommends the Petitioner should consult with the Tree Warden, to provide a public shade tree, if recommended.

The proposed new two-family provides sufficient off-street parking for residents. The Petitioner proposes six (6) parking spaces which meets the requirements of §6.01 for *One and Two Family Houses* with fewer than four bedrooms.

Per §6.02(b), the driveways and off-street parking spaces "*shall not be less than [8.5] feet in width and 18 feet in length.*" The Petitioner's *Project Narrative* and *Proposed Conditions Plan* indicates the driveways will be 9 feet wide at the edge of the driveways for their full length of 59.2 feet. The width of the new driveways can be conditioned to remain at the Petitioner's stipulated maximum width of 9 feet.

According to §6.02(i), "*for a site upon which new construction is proposed; to which an increase in the number of existing bedroom or units is sought....there shall be allowed a maximum of two curb cuts per site at a maximum of eleven (11) foot width, with a minimum distance of twenty (20) feet between curb cuts.*" This project includes the demolition of a single-family structure and construction of a new two-family, so this section applies. As shown on the *Proposed Conditions Plan*, the number of new curb cuts, driveway widths and distance between them at the street edge conforms to §6.02(i). The Petitioner's proposed *Landscape Plan* also shows retaining walls along the street frontage and front lawn areas for each unit. This is in keeping with the Town's desire to preserve a defined street edge and plantings that can also be enjoyed by pedestrians.

The *Project Narrative* states that the lot slopes to the left, and as such, the left side driveway will be bordered by a retaining wall that will be no more than 3 feet (36 inches) in height above the pavement running along the front lawn and the side of the new driveway. The Petitioner's *Landscaping Plan* also shows another retaining wall along the front edge of the right side unit, enclosing its new front lawn. Together, the two retaining walls come together, and form an enclosure for a new set of stairs leading from the front of the lot to grade level and the sidewalk. These retaining walls shall be consistent with the intent of Section 6.02(h) by having the Zoning Enforcement Officer review them in regards to height and other requirements.

4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Conditionally Met: The proposal will be required to meet all building, health, safety and applicable Department of Public Works (DPW) requirements.

Section 6.02(a) describes the standards for appropriate driveway drainage. According to the *Proposed Conditions Plan*, the driveways will direct runoff to new trench drains at their terminus with the public sidewalk. In addition, the Petitioner has proposed a new drainage structure located in the southwest corner of Unit #1 driveway. The Town Engineer notes that prior to issuance of a Building Permit, the Petitioner will need to obtain DPW sign off on utility connections, curbing installation, sidewalk improvements, surface restoration requirements, and storm water management and erosion control measures.

The Board notes that the DPW will also require that *As Built* drawings shall be submitted and approved prior to issuance of a Certificate of Use/Occupancy that depict all paved surfaces, topography, major landscape features, utilities, and storm water management features.

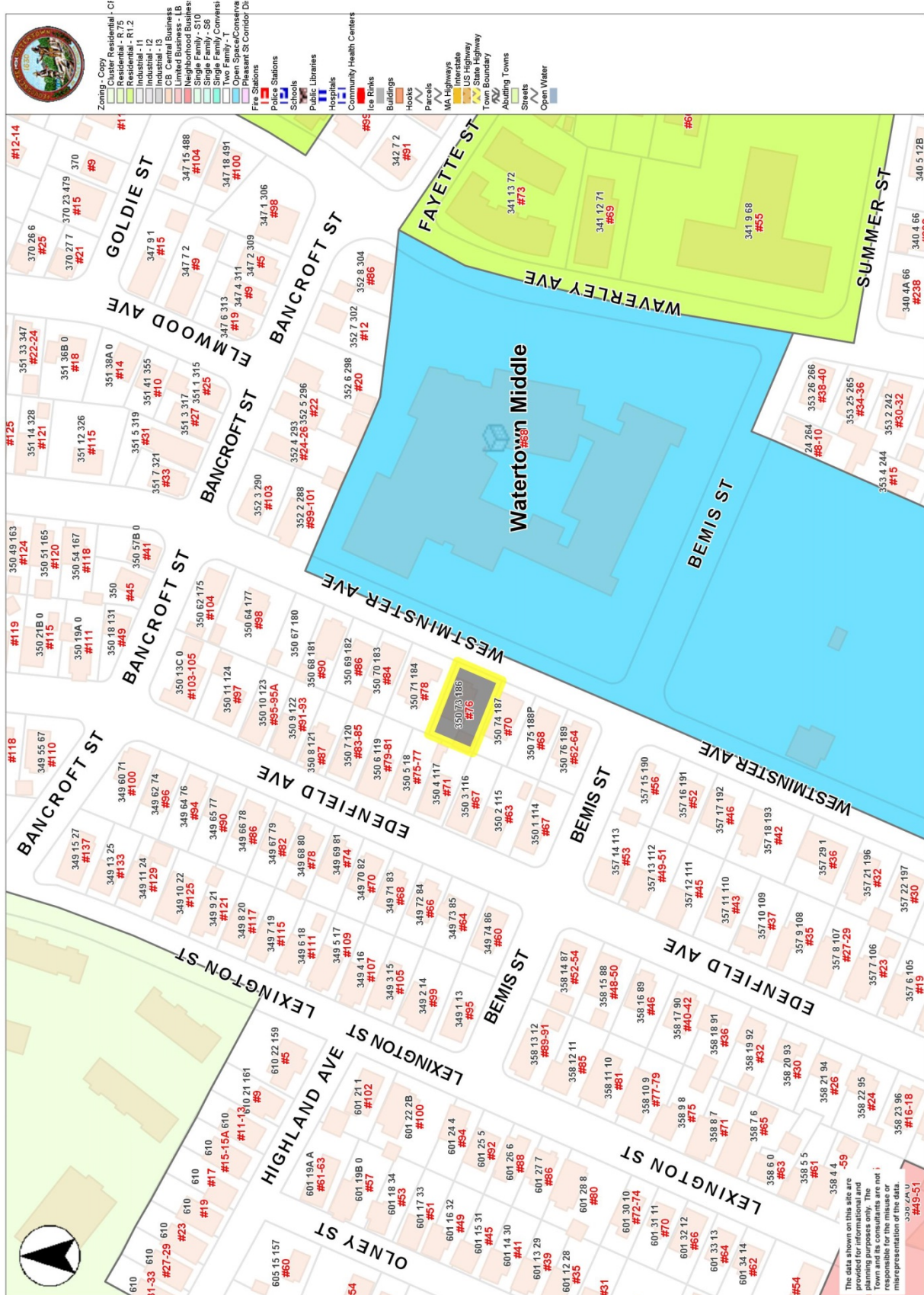
IV. Recommendation

The Board and Planning staff recommend that a **Special Permit** under §5.04, *Table of Dimensional Regulations*, FAR, 0.621 be granted with the following conditions.

ZBA-2015-05 - Allow the construction of a new two-family with a Floor Area Ratio of 0.621.
T (Two-Family) Zoning District

#	Condition	Compliance Timeframe	To be Verified by
1.	Control Documents. This approval is based upon the application materials and the Control Documents submitted by the Petitioner, as modified by these conditions: <ol style="list-style-type: none">1. Sheet A1, <i>Basement Plan and First Floor Plan, Two Family House, 76 Westminster Avenue, Watertown, MA</i>, prepared by Streibert Associates, Architects, 15 Linden Tree Lane, Chatham, MA, dated 19 February 20152. Sheet A2, <i>Attic Floor Plan and Second Floor Plan</i>, dated 19 February 20153. Sheet A3, <i>Rear and Front Elevations</i>, dated 19 February 20154. Sheet A4, <i>Right Side Elevation</i>, dated 19 February 20155. Sheet A5, <i>Left Side Elevation</i>, dated 19 February 20156. Sheet A6, <i>Front Dormer Elevation and Building Section</i>, dated 19 February 20157. Sheet L1, <i>Landscape Plan</i>, dated 19 February 20158. <i>Site Plan of Land in Watertown</i>, shows <i>Existing Conditions and Proposed Conditions</i>, Sheet 1 of 2, prepared by Everett M. Books, Co., Surveyors &	Perpetual	ZEO/ISD

#	Condition	Compliance Timeframe	To be Verified by
	Engineers, 49 Lexington Street, West Newton, dated 2/6/15, stamped by Michael S. Kosmo, Civil Engineer, and Bruce Bradford, Professional Land Surveyor 9. <i>Site Plan of Land in Watertown</i> , shows <i>Drainage and Site Details, Sheet 2 of 2</i> , prepared by Everett M. Brooks Co., Surveyors & Engineers, 49 Lexington Street, West Newton, dated 2/6/15, stamped by Michael S. Kosmo, Civil Engineer		
2.	Plan Modifications. Neither the Petitioners nor any present or future owner of any interest in the project shall change or modify either the Control Plans referenced in this decision, or the project itself, without first filing a formal request with the DCDP Director, Zoning Enforcement Officer, and Building Inspector, for an opinion as to whether or not such change or modification requires further review from the Special Permit Granting Authority. Minor modifications may be considered and approved by the DCDP Director that are found to be consistent with the project approval granted by the Special Permit Granting Authority.	CO	ZEO/ISD
3.	Recordation. Upon application for a Building Permit, the Petitioner shall provide evidence to the Zoning Enforcement Officer that this entire decision has been filed with the Registry of Deeds, and/or Land Court.	BP	ZEO
4.	Codes/Regulation Compliance. The Petitioner shall comply with all other applicable local, state, and federal requirements, ordinances, and statutes.	CO	ZEO/ISD
5.	Certificate of Occupancy/Final Inspection. A copy of the Building Permit with final approval signatures from all relevant inspectors must be submitted to the Zoning Enforcement Officer upon completion of the project.	CO	ZEO/DPW
6.	As-Built(s). The Petitioner shall provide As-Built drawings to the Department of Public Works and Zoning Office. Such As-Built drawings shall depict all paved surfaces, topography, major landscape features, utilities, and stormwater management features as well as foundations showing all dimensional setbacks.	CO/Perpetual	ZEO/DPW
7.	Permit Expiration. In accordance with WZO §9.13, a Special Permit granted under §9.04 shall lapse one year from the date of grant thereof if substantial use thereof has not sooner commenced except for good cause, or, in the case of a permit for construction, if the construction has not begun by such date except for good cause, or as allowed by applicable State or Federal law.	Perpetual	ZEO
8.	Site Plan. A. The Petitioner shall install permeable pavers on the driveways, updating Sheet L1 of the <i>Control Documents</i> . B. The Petitioner's <i>Landscaping Plan</i> shows a chain link fence along the property's side yards with Hardy kiwi (<i>Actinidia arguta</i>) plantings. These plantings shall be replaced with another vine plant such as climbing hydrangea as approved by DCDP staff. C. A street tree shall be provided if deemed appropriate by the Tree Warden, in a location and of a type as identified by the Tree Warden.	CO/Perpetual	ZEO/ISD/ DPW/Tree Warden
9.	Department of Public Works. The Petitioner shall obtain final approval of the site plan, including all utility connections, curbing and sidewalk improvements, surface restoration requirements, stormwater management and erosion control measures.	BP	DPW



76 Westminster Avenue (Two Family - T)

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